

pleading is in effect withdrawn as to all matters not restated in the amended pleading, and becomes *functus officio*.” *Duda*, 133 F.3d at 1057 (citation and footnote omitted). Because the Plaintiffs’ amended complaint is the only complaint before the Court, the original complaint [DE 1] is a nullity. Therefore, the motion to dismiss the original complaint [DE 35] is DENIED AS MOOT.

SO ORDERED.

ENTERED: October 6, 2015

/s/ JON E. DEGUILIO
Judge
United States District Court